

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CITY OF SEATTLE

Plaintiff,

vs.

HYUNDAI MOTOR AMERICA, INC. AND  
KIA AMERICA, INC.,

Defendants.

Case No.: 2:23-cv-00098-JLR

**STIPULATED MOTION TO  
EXTEND TIME TO RESPOND TO  
COMPLAINT; [PROPOSED]  
ORDER THEREON**

**NOTING DATE: FEBRUARY 17,  
2023**

1 WHEREAS, on January 23, 2023, the City of Seattle (“Plaintiff”) filed the above-  
2 captioned action against Defendants Hyundai Motor America, Inc. and Kia America, Inc.  
3 (“Complaint”);

4 WHEREAS, Plaintiff alleges a claim for public nuisance premised on Defendants’  
5 decision not to install or remedy their failure not to install engine immobilizers on certain Hyundai  
6 and Kia vehicles;

7 WHEREAS, the Judicial Panel on Multidistrict Litigation (“JPML”) coordinated before the  
8 Honorable James V. Selna in the United States District Court for the Central District of California  
9 class actions brought on behalf of owners and lessors of certain Hyundai and Kia vehicles without  
10 engine immobilizers (the “MDL”);

11 WHEREAS, on January 24, 2023, Plaintiff filed a Notice of Tag-Along Action with the  
12 JPML and on January 30, 2023, the JPML issued a Conditional Transfer Order (MDL No. 3052,  
13 Docket No. 124) that would have transferred this action to the MDL;

14 WHEREAS, on February 6, 2023, Hyundai Motor America, Inc. and Kia America, Inc.  
15 filed a Notice of Opposition to the Conditional Transfer Order;

16 WHEREAS, Defendants intend to file a Motion to Vacate the Conditional Transfer Order  
17 and on February 6, 2023, the JPML issued a briefing schedule pursuant to which the Motion to  
18 Vacate must be filed on or before February 21, 2023, any Responses must be filed on or before  
19 March 13, 2023, and any Reply in support of the motion must be filed no later than March 20,  
20 2023;

21 WHEREAS, on February 7, 2023, Judge Selna held a case management conference in the  
22 MDL, and on February 9, 2023, Judge Selna issued “Order No. 2: Adoption of Organization Plan  
23 and Appointment of Counsel” (“CMO 2”), in which he appointed Plaintiff’s counsel, Gretchen  
24 Freeman Cappio of Keller Rohrback L.L.P., as Chair of the MDL Government Entities  
25 Committee;

26 WHEREAS, CMO 2 orders a Consolidated Governmental Entity Complaint to be filed “to  
27 the extent other Government Entity Complaints are filed” prior to March 25, 2023, along with a  
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1 stipulation for briefing and hearing on any Rule 12 or other challenges to that consolidated  
2 Complaint;

3 WHEREAS, if “no other complaints are filed,” CMO 2 requires Defendants to respond to  
4 the Complaint by April 10, 2023;

5 WHEREAS, Defendants were served with the Complaint herein on January 27, so their  
6 responsive pleading would be due in the normal course no later than February 17, 2023;

7 WHEREAS, Defendants deny Plaintiff’s claim (and the claims of the MDL plaintiffs) and  
8 intend to file a Motion to Dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12  
9 and/or other challenge on the grounds that the Complaint does not state a cause of action as a  
10 matter of Washington law; and

11 WHEREAS the Parties agree to extend the deadline for Defendants’ response to the  
12 Complaint to April 3, 2023.

13 THEREFORE, the Parties jointly request that the Court extend Defendants’ deadline to  
14 respond to Plaintiff’s Complaint until April 3, 2023.

15 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.  
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1 DATED February 17, 2023.

2 Respectfully submitted,

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5 By: /s/ Gretchen Freeman Cappio  
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*Attorney for Defendants*

18 IT IS SO ORDERED.

19 DATED this 17th day of February, 2023.



Hon. James L. Robart  
United States District Judge